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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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|------------------------|---------------------------------|
| -----X | |
| | : <u>ECF CASE</u> |
| STEVEN S. NOVICK, | : |
| | : Case No.: |
| Plaintiff, | : 07 Civ. 7767 (AKH)(KNF) |
| | : |
| - against - | : <u>DECLARATION OF</u> |
| | : <u>AMIANNA STOVALL</u> |
| | : |
| AXA NETWORK, LLC | : |
| and AXA ADVISORS, LLC, | : |
| | : |
| Defendants. | : |
| | : |
| | : |
| | : |
| | : |
| | :-----X |

AMIANNA STOVALL makes the following declaration pursuant to 28

U.S.C. § 1746:

1. I am a member of the firm of Dreier LLP ("Dreier"), counsel for plaintiff Steven S. Novick. I make this declaration pursuant to the Court's directive, dated December 27, 2007, to show cause as to why this case should not be dismissed for lack of subject matter jurisdiction. See Exhibit A annexed hereto. As is amply

demonstrated below, the citizenship of the parties is completely diverse. Therefore, jurisdiction in this Court is appropriate under 28 U.S.C. § 1332(a).

2. Plaintiff is an individual, who at all times relevant to the instant action, was domiciled in Connecticut and maintained a residence at 87 North Wilton Road, New Canaan, Connecticut 06840. *See* Amended Complaint, dated December 18, 2007, annexed hereto as Exhibit B.

3. Defendant AXA Network, LLC is a limited liability company organized and existing under the laws of Delaware with its principal place of business at 4251 Crums Mill Road, Harrisburg, PA 17112. *See* Exhibits C and D, annexed hereto.

4. Defendant AXA Advisors, LLC is a limited liability company organized and existing under the laws of Delaware with its principal place of business at 1290 Avenue of the Americas, New York, New York, 10104. *See* Exhibits E and F, annexed hereto.

5. Although such information is not publicly available, counsel for defendants has informed me that the sole member of each defendant limited liability company is AXA Distribution Holding Corporation which is a corporation organized and existing under the laws of Delaware with its principal place of business at 1290 Avenue of the Americas, New York, New York, 10104. *See* Exhibits G and H, annexed hereto.

6. Accordingly, to the best of plaintiff's knowledge, the citizenship of the parties is completely diverse under 28 U.S.C. § 1332(a) and *Keith v. Black Diamond Advisors, Inc.*, 48 F. Supp.2d 326, 329-30 (S.D.N.Y. 1999).

WHEREFORE, it is respectfully requested that this Court find that jurisdiction is proper under 28 U.S.C. § 1332(a).

I declare under penalty of perjury that the foregoing is true and correct.


Amianna Stovall

Executed on January 14, 2008